



*Department of Health
and Human Services*

*Maine People Living
Safe, Healthy and Productive Lives*

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services
Licensing and Regulatory Services
41 Anthony Avenue
11 State House Station
Augusta, Maine 04333
Tel: (207) 287-9300; Toll Free: 1-800-791-4080
Fax: (207) 287-9307; TTY: 1-800-606-0215

DATE: May 30, 2008
TO: Interested Parties
FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services
SUBJECT: **Emergency Rule** for swimming in lakes and ponds.
Rules for Family Child Care Providers, 10-148 CMR Chapter 33.
Effective June 1, 2008

Emergency Rule, effective June 1, 2008

To protect children who swim in lakes and ponds while in the care of a family child care provider certified by Maine, the Department has determined that immediate adoption of this emergency rule is necessary to provide regulatory protection for the health, safety, and well-being of children who participate in swimming and wading activities at lakes and ponds. This rule implements the emergency enactment of Resolves 2007, ch. 199 mandated by the 123rd Legislature.

Specifically, this emergency rule:

- [1] eliminates the lifeguard requirement when family child care providers have off-site swimming activities at lakes and ponds;
- [2] requires providers to have a written water safety plan for swimming activities at lakes and ponds;
- [3] requires written parental permission before a child is allowed to participate in swimming activities at lakes and ponds;
- [4] requires written parental notice that there will be no lifeguard on duty at lakes and ponds during swimming activities; and
- [5] requires providers to rope off an area of the lake or pond for swimming activities that is no wider than 16 feet across at any point and partitions off a part of the water that is not deeper than 4 feet at any point.

This emergency rule shall remain in effect for no longer than 90 days. In the interim, the Department will implement permanent routine technical rules. The emergency rule is available on the Division of Licensing and Regulatory Services' website

<http://www.maine.gov/dhhs/dlrs/rulemaking/emergency-rule/home.html> Call 207 287-9254 to have a paper copy of the rule mailed to you.